

**FILED****UNITED STATES DISTRICT COURT****JUL 01 2011**for the  
Western District of Texas**CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY Jm DEPUTY CLERK**

United States of America )

v. )

Jesus Chavez )

Case No. 11-3330-G\_\_\_\_\_  
*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/21/2010 to 07/01/2011 in the county of El Paso in the  
Western District of Texas, the defendant(s) violated:*Code Section*

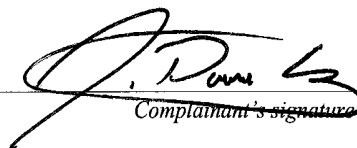
Title 21 USC 841 and 846

*Offense Description*

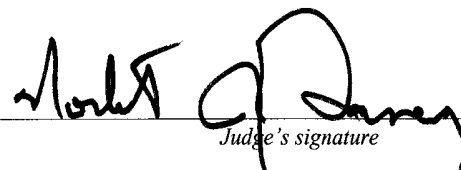
Possession with Intent to Distribute a controlled Substance, namely 100 kilograms or more of marijuana and Conspiracy to possess with intent to Distribute a controlled substance, namely 100 kilograms or more of marijuana.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.  
*Complainant's signature*Special Agent J. Daniel Clark  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 07/01/2011  
*Judge's signature*City and state: El Paso, TexasNorbert J. Garney, United States Magistrate Judge  
*Printed name and title*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

{State of Texas

County of El Paso}

**AFFIDAVIT**

I, J. Daniel Clark, being duly sworn, do hereby state as follows:

**I. PRELIMINARY MATTERS**

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI). My appointment as an FBI Special Agent has vested me with the authority to investigate violations of federal laws involving drug trafficking and money laundering offenses, including Title 21, United States Code, Sections 841, 846, and 952, Title 18, United States Code, Sections 1956, 1957, and Title 31, United States Code, Section 5324.

2. Since May 2008, I have been assigned to a joint FBI and Drug Enforcement Administration (DEA) Strike Force tasked with investigating organized criminal enterprises involved in large-scale smuggling, distribution, and sale of illegal drugs. As an SA, I received twenty-two weeks of law enforcement training at the FBI Academy in Quantico, Virginia. I have received specialized training with respect to the enforcement of drug laws and I have been involved in several investigations involving illegal drugs. I have participated in many aspects of these investigations including, but not limited to, writing affidavits in support of search warrants, executing search warrants, writing affidavits in support of applications for the interception of conversations occurring over telephones pursuant to court orders, conducting surveillance, planning undercover transactions, debriefing Confidential Sources, and arresting suspected drug

traffickers. Through my training and experience, I have become familiar with drug traffickers' methods of operation including the distribution, storage, and transportation of drugs, the collection of money proceeds derived from drug trafficking and the methods of money laundering used to conceal the nature of the proceeds. I have conducted investigations regarding the unlawful importation, possession, and distribution of controlled substances, as well as the related money laundering statutes involving the proceeds of specified unlawful activities and conspiracies associated with criminal narcotics, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), 846, 952(a) and 963, Title 18, United States Code, Sections 1952, 1956 and 1957, and Title 31, United States Code, Sections 5324, 5331, and 5332.

3. This affidavit is written in support of probable cause for the arrest of Jesus CHAVEZ, also known as, Jesse CHAVEZ, Date of Birth (DOB) [REDACTED]/1974 who was arrested by FBI Agents on 06/30/2011.

4. The information contained in this Affidavit is based upon my personal knowledge, information provided to me by other federal agents and task force officers, including but not limited to agents from FBI, DEA, ICE Homeland Security Investigations (HSI), U.S. Customs & Border Protection (CBP); information obtained from official reports of other federal agents and law enforcement officers of the previously noted agencies; review, by myself and others, of recordings of consensually recorded conversations; interviews of a confidential sources (CS); the results of physical surveillance; information returned pursuant to the service of administrative subpoenas; information obtained as a result of public records searches; information and reports provided to me by representatives of the Procuraduria General de la Republica (PGR) of the Republic of Mexico; and other information obtained during the investigation of Jesus CHAVEZ

and Carlos Alberto GOMEZ. Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except as otherwise indicated.

5. As noted in paragraph 4 above, some of the information contained in this Affidavit is based upon interviews of Confidential Sources. CS-1 has been an FBI CS for approximately three months. CS-1 has reported information to the FBI that has been corroborated through other investigative methods. CS-1's motivation for providing information to the FBI is for consideration of a reduction in CS-1's impending sentence stemming from CS-1's indictment for a federal drug trafficking felony. Additionally, CS-1, pursuant to a proffer agreement, has provided information in which CS-1 has implicated him/herself in drug conspiracies involving Carlos Alberto GOMEZ, Jesus CHAVEZ, and others, including brokering some of the marijuana which was derived from the scheme discussed below.

6. This Affidavit contains pertinent excerpts from transcripts of consensually monitored meetings which have been conducted by CS-1 with Carlos Alberto GOMEZ and Jesus CHAVEZ using a body recorder. At various points throughout these excerpts, I have placed in parentheses my understanding of what was being said during these recorded conversations. My understanding of these recorded conversations is based upon:

- a. the contents and context of the conversations;
- b. what CS-1 has told me or other agents was *his/her* understanding of what was being said during the conversations;

- c. the content and context of the conversations in relation to my knowledge of other aspects of this investigation;
- d. my experience as a law-enforcement officer and based on conversations I have had with other experienced law-enforcement agents and officers in this investigation; and
- e. the understanding of the translators/transcribers who translated and transcribed the recordings.

7. The transcript excerpts included in this Affidavit do not include all criminal and incriminating conversations recorded during the course of this investigation, nor do they include all statements or topics covered during the full duration of each of the recorded conversations. Therefore, these transcript excerpts do not represent the entire conversation that occurred between the identified individuals. Furthermore, these excerpts are based on draft transcripts of the recorded conversations; they are not finalized transcripts, which are customarily subjected to quality control procedures prior to a trial. Finally, during these recorded conversations, the individuals primarily use the Spanish language. Linguists fluent in English and in Spanish have listened to these recordings and translated the conversations into English.

8. In instances in this Affidavit where I refer to "we," or to "us", I am referring to me and to El Paso FBI SA Matthew T. Lipkin, and/or other FBI Agents on my Squad collectively.

## **II. PROBABLE CAUSE**

9. On 05/02/2011, CS-1 reported the following information to us:

- a. Jesse CHAVEZ<sup>1</sup> and Carlos GOMEZ, run a daily marijuana smuggling operation from Juarez, Chihuahua, Mexico into El Paso, Texas. CHAVEZ, GOMEZ and their co-conspirators smuggle the marijuana using the trunks of unsuspecting drivers' vehicles. CHAVEZ and GOMEZ accumulate hundreds of pounds of

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<sup>1</sup> CS-1 reported CHAVEZ's name as Jesse CASTENEDA. As noted in paragraph 11 below, CS-1 identified a photograph of CHAVEZ as the individual he knows as Jesse CASTENEDA. For consistency, I refer to CHAVEZ's name as "CHAVEZ" throughout this affidavit based upon CS-1's identification of this photograph.

marijuana in El Paso, Texas, each week; this marijuana is shipped to cities throughout the United States on a weekly basis.

- b. CHAVEZ and GOMEZ have paid "lookouts", typically teenage kids, who target professionals (e.g. doctors and hospital workers) and students.
- c. These targeted professionals and students usually have a Secure Electronic Network for Travelers Rapid Inspection (SENTRI) crossing card and travel to El Paso on a regular schedule, primarily through the Stanton Street Bridge "express lane." (Dedicated Commuter Lane (DCL)).
- d. Once the "lookouts" identify a target vehicle, they write down the Vehicle Identification Number (VIN) for the target vehicle and provide the VIN to CHAVEZ and GOMEZ. They also utilize GPS trackers to track the movements of the vehicles between Juarez and El Paso.
- e. Once they have identified a target vehicle, CHAVEZ and GOMEZ provide this VIN to an El Paso, Texas-based locksmith.
- f. Using the VIN provided by CHAVEZ and GOMEZ, this locksmith prepares/"cuts" two keys for the target vehicle. CHAVEZ and GOMEZ retain one of the target vehicle keys, and the Juarez-based co-conspirators are given the other target vehicle key.
- g. Using their copy of the target vehicle key, the Juarez-based co-conspirators place two duffel bags in the trunk of the target vehicle at night. Each duffel bag usually contains approximately 60 pounds of marijuana (i.e. approximately 120 pounds in total). Each of the duffel bags are secured with zip-ties to prevent possible tampering.
- h. The next morning, after the target vehicle arrives at work or at school in El Paso, CHAVEZ and GOMEZ use their copy of the target vehicle key to retrieve the two duffel bags of marijuana from the target vehicle.
- i. CHAVEZ and GOMEZ each have a prior federal drug conviction and met when they were both serving their sentences at the La Tuna federal prison together.<sup>2</sup>

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<sup>2</sup> U.S. District Court Records (2:03-cr-02012-MCA) indicate that On 04/26/2004, Carlos Alberto GOMEZ pleaded guilty to Possession With Intent to Distribute 500 Grams or More of Cocaine in violation of Title 21, United States Code, Section 841(b)(1)(B). GOMEZ was sentenced to 37 months imprisonment followed by three years of supervised release. U.S. District Court Records (3:04-cr-00261-FM) indicate that on 02/19/2004 CHAVEZ pleaded guilty to Conspiracy to Distribute Marijuana in violation of Title 21, United States Code, Section 846. CHAVEZ was sentenced to 20 months in prison followed by two years of supervised release. NCIC Criminal History records indicate that CHAVEZ and GOMEZ were both incarcerated at La Tuna Federal Correctional Institute during an overlapping time frame. This evidence is not offered for the purpose of supporting Probable Cause, but is offered to corroborate CS-1's information with respect to how CHAVEZ and GOMEZ met.

10. On 05/23/2011, we presented CS-1 with an unmarked, unlabeled Texas Drivers License (TDL) photograph of Carlos Alberto GOMEZ, Date of Birth (DOB) [REDACTED]/1982, TDL# [REDACTED]. CS-1 identified this photograph as a picture of the individual CS-1 knows as "Carlos GOMEZ."

11. On 05/23/2011, we presented CS-1 with an unmarked, unlabeled Texas Drivers License (TDL) photograph of Jesus CHAVEZ, DOB [REDACTED]/1974, TDL# [REDACTED]. CS-1 identified this photograph as a picture of the individual CS-1 knows as "Jesse CASTENEDA."<sup>3</sup>

12. Based on the information provided by CS-1, the locksmith that CHAVEZ and GOMEZ were using was specifically identified. Throughout the remainder of this Affidavit, this locksmith is referred to as LOCKSMITH A.

13. On 06/17/2011, we interviewed an El Paso, Texas-based licensed locksmith. (*not* LOCKSMITH A). This licensed locksmith informed us that there were several "key code source" companies that have the capability to provide vehicle key cut codes to licensed locksmiths based on the provision of the VIN by the licensed locksmith. This licensed locksmith further informed us that, as a result of differing standards and policies amongst vehicle manufacturers, "key code source" companies have varied abilities to provide key cut codes depending on the vehicle make and model. For example, this locksmith stated that most "key code source" companies had very limited access to key cut codes for most General Motors key cut codes, but had widely available access to Ford key cut codes.

14. Texas Department of Public Safety records indicate that LOCKSMITH A is a licensed

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<sup>3</sup> See footnote 1 above.

Texas locksmith with a license expiring on 12/31/2011. Based on the information described in this paragraph and in paragraph 13 above, I believe that LOCKSMITH A has access to one or more "key code source" companies and therefore has the ability to obtain vehicle key cut codes for vehicles, especially Ford vehicles, solely by providing a VIN to one or more of these "key code source" companies.

15. On 07/21/2010, Martha Ramos and Ayla Nayeli Ramos attempted to make entry into the U.S. at the Stanton Street Bridge DCL, El Paso, Texas. Martha Ramos informed the interviewing U.S. Customs & Border Protection (CPB) Officer that, "My son (Jorge Ramos) is behind me and we're not sure what's in his car. We think his car was broken into because there are two black bags that we've never seen in his trunk before. We don't know if there is a bomb or what is in there." Immediately thereafter, Jorge Ramos, who drove a 2006 Ford Focus, bearing TX license plate number: 006YHX and VIN 1FAFP34N06W190276, attempted to make entry into the U.S. via the DCL. Jorge Ramos confirmed that there were two black duffel bags in his vehicle with unknown contents. Jorge Ramos further informed the CBP Officers that when they had discovered the duffel bags in his trunk earlier that morning, they were scared to call the police in Juarez so they decided to declare the incident to the CBP Officers at the Stanton Street bridge. After examining the duffel bags, the CBP Officers discovered that both duffel bags contained bundles of marijuana. The marijuana from both of the bags aggregated 120 bundles weighing approximately 128.7 pounds. There is no indication in the CBP Officer's report as to whether or not there was evidence suggesting that the trunk of the Ford Focus had been subjected to forced entry. Martha Ramos, Ayla Nayeli Ramos, and Jorge Ramos were all detained but subsequently released when the United States Attorney's Office declined prosecution. All three



subjects had their SENTRI passes confiscated by CBP however.

16. On 11/16/2010, Ricardo Magallanes was arrested at the Stanton Street Bridge DCL, El Paso, Texas, while driving a 2007 Ford Focus, bearing TX license plate number: 733WLD and VIN 1FAFP34N17W133926. The Ford Focus contained two duffel bags in the trunk. The zippers of each of the duffel bags were secured with white plastic zip ties. Both duffel bags were discovered to contain bundles of marijuana. The marijuana from both of the bags aggregated 100 bundles weighing approximately 112.1 pounds. There was no evidence suggesting that the trunk of the Ford Focus had been subjected to forced entry. At the time of his arrest, Magallanes was a University of Texas at El Paso (UTEP) student and a SENTRI pass holder. Magallanes proceeded to jury trial on May 9, 2011, and on May 10, 2011, was found guilty of attempting to Import Marijuana and Possession of Marijuana With the Intent to Distribute in violation of Title 21 USC §§ 952(a), 960(a)(1) & 960(b)(3), 841(a)(1) and 841(b)(1)(C). Magallanes maintained that he is innocent as evidenced by his May 2011 filing of a Motion for Acquittal under Rule 29(c) Federal Rules of Criminal Procedure. On 06/27/2011, the indictment against Magallanes was dismissed by Senior United States District Judge David Briones.

17. On 01/12/2011, Dr. Justus Lawrence Opat and Marisol Perez were arrested in Ciudad Juarez, Chihuahua, Mexico. At the time of Perez' arrest, Perez was driving a 2008 Mitsubishi Galant bearing VIN 4A3AB36F68E021782. The Mitsubishi Galant contained two duffel bags in the trunk, both of which were secured with zip ties. Both duffel bags were discovered to contain bundles of marijuana. The marijuana from both of the bags aggregated 100 bundles weighing approximately 110 pounds. There was no evidence suggesting that the trunk of the Mitsubishi Galant had been subjected to forced entry.

18. Opot is a sports medicine doctor who works at the El Paso Mental Health & Retardation Center, 1600 Montana Street, El Paso, Texas, 79902. Perez is a health care professional who also works at the El Paso Mental Health & Retardation Center. At the time of her arrest, Perez was a SENTRI pass holder. Based on information received from the PGR and from interviews of Opot and Perez, Opot was car pooling with Perez to work on the morning of 01/12/2011, because his car was having mechanical problems. Perez had planned to drop off Opot on the Mexico-side of the Stanton Street bridge, cross into the United States using her SENTRI pass through the DCL, and then pick up Opot, who had planned to walk across, on the United States side of the Stanton Street bridge. After discovering the marijuana however, Opot instructed Perez to drive the vehicle to a Mexican federal police checkpoint near the Bridge of the Americas in Juarez. Opot and Perez were arrested by Mexican federal police shortly after voluntarily notifying Mexican authorities at this checkpoint of their discovery of the marijuana-laden duffel bags in the trunk of the Mitsubishi Galant. Opot and Perez's arrest was widely reported by local media in El Paso and Juarez. During the course of their case in Mexico, Opot and Perez maintained that they were innocent and, after approximately nine days of incarceration, Opot and Perez were released by Mexican authorities and the charges were dropped.

19. On 01/12/2011, the same day Opot and Perez were arrested in Juarez, James Ivan Diaz was arrested at the Stanton Street Bridge DCL, El Paso, Texas, driving a 2001 Ford Taurus, bearing TX license plate number: BZ3P596 and VIN 1FAFP55UX1G254649. The Ford Taurus contained two duffel bags in the trunk. The zippers of each of the duffel bags were secured with metal/wire ties. Both duffel bags were discovered to contain bundles of marijuana. The marijuana from both of the bags aggregated 100 bundles weighing approximately 119.5 pounds.

There was no evidence suggesting that the trunk of the Ford Taurus had been subjected to forced entry. Diaz has worked for HB Electronics, 6000 Gateway Boulevard East, El Paso, Texas, since May 2008. At HB Electronics, Diaz has a regular work schedule, Monday through Friday, 9:00AM to 6:00PM. At the time of his arrest, Diaz was a SENTRI pass holder. Diaz proceeded to jury trial on 05/11/2011, and on 05/12/2011, was acquitted by the jury.

20. On 05/26/2011, Ana Isela Martinez Amaya was arrested in Juarez, Chihuahua, on the Mexico-side of the DCL of the Stanton Street bridge driving a 2003 Ford Focus bearing VIN 1FAFP34383W106151. The Ford Focus contained two duffel bags in the trunk, both of which were secured with zip ties. Both duffel bags were discovered to contain bundles of marijuana. The marijuana from both of the bags aggregated 85 bundles weighing approximately 105 pounds. There was no evidence suggesting that the trunk of the Ford Focus had been subjected to forced entry. At the time of her arrest, Martinez Amaya was a 4th-grade teacher at the La Fe Preparatory school in El Paso, Texas, and was also a SENTRI pass holder. Martinez Amaya's arrest has been widely publicized in local media in El Paso and in local and national media in Mexico. Martinez Amaya remains incarcerated in Juarez and, according to these media reports, maintains that she is innocent.

21. On 06/03/2011, at approximately 11:00 PM CS-1 met with Carlos GOMEZ at Shogun Steakhouse, 1201 Airway Boulevard, El Paso, Texas, 79925. After dinner, CS-1 and GOMEZ drove to Applebees restaurant, 1766 Airway Boulevard, El Paso, Texas, 79925. During their meeting that evening, which CS-1 consensually monitored with a body recorder, CS-1 and GOMEZ had a private conversation during which they discussed drug trafficking matters. Among other conversation with respect to drug trafficking, CS-1 and GOMEZ had the following

conversation with respect to Martinez Amaya's case:

GOMEZ stated, "Listen." CS-1 stated, "Why don't we get [UI] So the same thing happened to you with the teacher (Martinez Amaya), right? [telephone rings]" GOMEZ stated, "[UI]" CS-1 stated, "Right away! When I saw over there--" GOMEZ stated, "We (CHAVEZ and GOMEZ) made such a fucking mess. [UI]" CS-1 stated, "Listen, what--what--what--which--what went wrong? I even [UI]" GOMEZ stated, "No, but the damn soldiers saw that she (Martinez Amaya) was young. And they got her (Martinez Amaya) out, he said, well, she was kind of cute. You know what the fucking--the problem was, boss? They already had an eye on that car (Martinez Amaya's 2003 Ford Focus)--it would have taken a long time, but it's just that--" CS-1 stated, "That one you just told me about?" GOMEZ stated, "Yes, it was fucking hot." CS-1 stated, "That one?" GOMEZ stated, "Let me tell you why, buddy. School is out. So after school is out at UTEP, the fucking line (the DCL at the Stanton Street Bridge) goes down to about the middle [UI]" CS-1 stated, "That shit (drug load) goes through quickly?" GOMEZ stated, "Yes, I mean, the car traffic is very light." CS-1 stated, "That [UI]?" GOMEZ stated, "No." CS-1 stated, "Oh." GOMEZ stated, "Because the fucking alarms sti--still doesn't--I mean, it chooses the wrong cars." CS-1 stated, "They (Mexican/United States inspection authorities) have time to fuck around (more time to inspect outbound/inbound vehicles)." GOMEZ stated, "Uh-huh. There's no pressure. But when there is a lot of people, then there is pressure. And that is what we [UI] No, it turned into a fucking mess when--" CS-1 stated, "So it didn't happen today?" GOMEZ stated, "Yeah, no, no." CS-1 stated, "Oh, no, and it never fails." GOMEZ stated, "[OV] And then [UI] to form [UI]" CS-1 stated, "[OV] [UI] No, and then--I just saw that they fucking tacked on--extrad--uh, what's it called when you want to take something out? Exporting. Did you see it<sup>4</sup>?" GOMEZ stated, "No." CS-1 stated, "Attempt to export. Huh?" GOMEZ stated, "It's not [UI] easy." CS-1 stated, "But over there how--is it the same as here? I mean, or have they sentenced her (Martinez Amaya)?" GOMEZ stated, "No, no. No, they already sentenced her (Martinez Amaya)." CS-1 stated, "How can they sentence her (Martinez Amaya) if she's been there (in prison) three days?" GOMEZ stated, "No, it's right away over there." CS-1 stated, "No." GOMEZ stated, "But they are going to--I mean, they're going to appeal. It's just that the judge--"

CS-1 stated, "Okay, why was the doctor (Opot) able to get out?" GOMEZ stated, "Because the doctor (Opot) went and delivered (the marijuana to) them (Mexican federal police). He (Opot) went and told them (MX federal police)--" CS-1 stated, "Oh. And they arrested her (Martinez Amaya)?" GOMEZ stated, "Yes. The doctor (Opot) told them (MX Federal police), '*You know what? They put that shit (marijuana) in (the trunk of Perez's Mitsubishi Galant)--*' And they arrested him (Opot) anyway. But the judge--he decides and it depends. This guy (Opot) went and delivered them (the duffel bags of

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<sup>4</sup> According to Mexican media reports, on June 2, 2011, Mexican officials charged Martinez Amaya with an additional drug trafficking charge of exportation.

marijuana). But they don't belong to him. But they find this shit (the marijuana Martinez Amaya was arrested with) a quarter of the way in (a quarter of the way up the Stanton Street bridge). But since--since they had already arrested a lot of people there, then--then--" CS-1 stated, "The navigation [system] so that--so that you can see movies. You don't have it?" GOMEZ stated, "Which one, the--no, I don't have it." CS-1 stated, "Bypass." GOMEZ stated, "No, [UI]. It's messed up, right? Listen." CS-1 stated, "Come on, boss." GOMEZ stated, "[UI]" CS-1 stated, "And that guy, what is Huicho (one of CHAVEZ and GOMEZ's co-conspirators) up to?" GOMEZ stated, "No, well he (Huicho) is--no, he is--he's an emotional wreck." CS-1 stated, "Why? Because--because--because of the--" GOMEZ stated, "Because--because of the girl (Martinez Amaya) right now, the guy." CS-1 stated, "In other words, because of the money, the merchandise (marijuana), and because of the--mainly for the girl (Martinez Amaya) right now, right?" GOMEZ stated, "He (Huicho) is down because--well, it's him--" CS-1 stated, "Can someone write a letter there? You know what? That's bullshit. If not--" GOMEZ stated, "No, they are--no, they are already doing the deal." CS-1 stated, "You saw the letters, right?" GOMEZ stated, "The letters and the protests and--no, no. He said, 'What do we do? What do we do?' He said. Nothing." CS-1 stated, "[OV] Just say, [UI]" GOMEZ stated, "[OV] Take them something--take them something like that. Because the--the fucking judge said, '*Until someone shows up and says that they went--that he went--*' You know what I mean?" CS-1 stated, "Give Betito some money and the idiot will go. '*Yes, I'll get you out tomorrow, man.*'" GOMEZ stated, "I'm going to tell Betito [UI] fucking Beto is fucking crazy." CS-1 stated, "It depends. It might motivate someone, boss. Sometimes that's what we need." GOMEZ stated, "Yeah."

22. Later during the 06/03/2011, meeting CS-1 and GOMEZ had the following conversation:

CS-1 stated, "--but more than anything, I know you'll have to stop working (trafficking drugs) or I don't know--I don't know--I don't know how you work, but--" GOMEZ stated, "No, well, we'll go--" CS-1 stated, "[OV] But fuck--" GOMEZ stated, "--somewhere else." CS-1 stated, "--fucked right now--" GOMEZ stated, "Well, they have forced us (CHAVEZ, GOMEZ, and their co-conspirators) to lay low." CS-1 stated, "The problem right now, bro', is that if they arrest one of your guys over there (in Juarez), they'll blame him for everything." GOMEZ stated, "Like that--and here too." CS-1 stated, "Well here--well nothing has happened here." GOMEZ stated, "Yeah." CS-1 stated, "Nothing has happened here." GOMEZ stated, "No, exactly." CS-1 stated, "I mean, they can't blame them for anything here." GOMEZ stated, "Well, they've already arrested [people] and there's been people who have talked." CS-1 stated, "But yes--I do know that if they arrest anyone of your's over there, they will--" GOMEZ stated, "No, they will--they will blame us (CHAVEZ, GOMEZ and other El Paso-based co-conspirators) for everything, like you're saying." CS-1 stated, "No, that you had better not--I think that you better not get involved with a bad guy's wife, boss, or something like that either. Be careful with

that and then--" GOMEZ stated, "[UI]" CS-1 stated, "Well, just in case, don't--" GOMEZ stated, "No. [laughs] Shit, you're exaggerating."

CS-1 stated, "Why did you pick her (Martinez Amaya)? Was she really hot or what?" GOMEZ stated, "No. It's that, look. Let me tell you. Well we (CHAVEZ and GOMEZ) cross the fucking vehicles (targeted marijuana load vehicles) like that. And this fucking vehicle--when we (CHAVEZ and GOMEZ) take it from here to there--but a president [UI] arrived, as if it was the fucking Pentagon. No, and the system, well no problem, you know? We have seen that girl (Martinez Amaya) for about a year because she's (Martinez Amaya) like a clock, boss. At 5:00-- she (Martinez Amaya) was there. Boom-boom-boom! Always. [UI][noises]" GOMEZ stated, "[UI] no, [UI]. One day, they invited Jesse (CHAVEZ) to a party [UI] at the house. Until [UI] where [UI] and he/she gets there. And that guy at the house where they went--[UI] I don't know who found her [UI]" CS-1 stated, "Okay." GOMEZ stated, "Oh, we loved it. And then bad guys, okay? It's like the guy who took him (CHAVEZ) to the party is the one who supplies our (CHAVEZ and GOMEZ) merchandise (marijuana) over there (in Juarez). "Go tell your buddy that we are going to give him--we'll take it with ten. So, your 1,500 bucks--and for him just to open the door for us at night." "No, let's do it," the guy said, "right away." What is it about? The door, then fucking Güero gets the fuck out of there. I mean, up to the door." CS-1 stated, "And he--he's gone?" GOMEZ stated, "Yes, gone. He didn't give a fuck." CS-1 stated, "And where--well--" GOMEZ stated, "[UI][noises]" GOMEZ stated, "I mean, what we wanted to take across did make it across. We didn't fuck up. We--we know that it's the soldiers--" CS-1 stated, "Well, and how do we do it over there [UI]?" GOMEZ stated, "It's really hot. [UI] I'm going to rent a car. [UI] you can hear all the people, and they get bothered. You know what I mean? No, because you're waiting for them in the morning. [noises]" GOMEZ stated, "In other words, 'Get to it.' [UI]" CS-1 stated, "No, they're going to get to it right now." GOMEZ stated, "Yeah, yeah. Yes, they said that [UI] fucking money we wanted to take it to--"

23. On or about 06/09/2011, a major Mexico television network aired a short news documentary concerning the case of Ana Isela Martinez Amaya. Among others, Dr. Justus Opot, Marisol Perez, and James Ivan Diaz were interviewed and televised during this short news documentary.

24. On 06/17/2011, at approximately 11:26 PM, I observed a white-colored Ford "King Ranch" pick-up truck, bearing TX license plate number: AX27755, parked facing Applebees restaurant, 1766 Airway Boulevard, El Paso, Texas, 79925, on the south side of the restaurant. A



subsequent query of the NCIC/TCIC vehicle database indicated that TX AX27755 is a 2011 Ford pick-up registered to Samantha V. GOMEZ, [REDACTED], El Paso, Texas, 79938. CS-1 has reported that Carlos GOMEZ's wife is Samantha GOMEZ and El Paso County records indicate that on July 18, 2000, a Carlos A. Gomez and a Samantha Vazquez were married in the State of Texas.

25. At approximately 11:30 PM, also on 06/17/2011, I observed CS-1, Carlos GOMEZ, and two females eating dinner and talking inside of the Applebees. At approximately 11:55 PM, I observed CS-1 and GOMEZ walk outside of the Applebees and engage in a private conversation standing near the white "King Ranch" pick-up truck. During this private conversation, which CS-1 consensually monitored with a body recorder, CS-1 and GOMEZ discussed that, on the same day "the doctor (Opot)" was arrested, another individual was arrested in El Paso, Texas (Diaz)." CS-1 referenced the Mexico short news documentary from June 9, 2011, and stated, "Televisa had a half-hour program on the doctor (Opot) and then about the chubby guy (Diaz)<sup>5</sup>." CS-1 further informed GOMEZ that, "it (Diaz's arrest) was the same day (as Opot/Perez's arrest)." GOMEZ stated, "No, it wasn't." CS-1 stated, "Yes it was, according to the show." GOMEZ stated, "No, that's true, we (CHAVEZ and GOMEZ) thought one (Diaz's vehicle) would get through (into the U.S.)."

26. On 06/23/2011, we received information from Ford Motor Company's Global Investigations Department in Dearborn, Michigan. Ford Motor Company maintains an electronic database which records when vehicle key codes are pulled/accessed by users at Ford Dealerships.

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<sup>5</sup> Per a DEA Form 202 Personal History Report completed in conjunction with Diaz's arrest, Diaz is 5' 9" tall and weighs 310 pounds.

I have reviewed the information from this database with respect to a single user account (hereafter referred to as USER ACCOUNT A) from a Ford Dealership located in Dallas, Texas. This information indicates that the following vehicle key codes were pulled by USER ACCOUNT A:

- a. VIN: 1FAFP34N06W190276. This is the VIN for the 2006 Ford Focus that Jorge Ramos was driving when he and his mother reported the marijuana to CBP Officers as described in paragraph 15 above. This VIN was pulled by USER ACCOUNT A on 06/29/2010, prior to Ramos and his mother reporting the marijuana to CBP Officers on 07/21/2010.
- b. VIN: 1FAFP34N17W133926. This is the VIN for the 2007 Ford Focus that Ricardo Magallanes was driving when he was arrested as described in paragraph 16 above. This VIN was pulled by USER ACCOUNT A on 09/10/2010, prior to Magallanes's arrest on 11/16/2010.
- c. VIN: 1FAFP55UX1G254649, This is the VIN for the 2001 Ford Taurus that James Ivan Diaz was driving when he was arrested as described in paragraph 19 above. This VIN was pulled by USER ACCOUNT A on 12/29/2010, prior to Diaz's arrest on 01/12/2011.
- d. VIN: 1FAFP34383W106151. This is the VIN for the 2003 Ford Focus that Ana Isela Martinez Amaya was driving when she was arrested as described in paragraph 20 above. This VIN was pulled by USER ACCOUNT A on 05/17/2011, prior to Martinez Amaya's arrest by Mexican authorities on 05/26/2011.



27. Per Ford Motor Company, USER ACCOUNT A has pulled/accessed 5,321 vehicle key codes in the last 18 months, approximately 10 key codes per day. Also based on my review of this information, USER ACCOUNT A has pulled vehicle key codes for Ford vehicles which are registered all over the United States, not just in Dallas, Texas. Based on the high volume of key codes pulled, as well as the geographic dispersion of the registered locations of the associated vehicles, I believe that USER ACCOUNT A is being utilized to provide vehicle key codes to one or more "key code source" companies as described in paragraph 13 above.

28. In order to corroborate CS-1's information with respect to LOCKSMITH A, and to confirm the link between LOCKSMITH A and USER ACCOUNT A, we tasked an Individual to go to LOCKSMITH A and request that LOCKSMITH A make a copy of a Ford vehicle key, solely based on the provision of the VIN for that Ford vehicle.

29. On 06/24/2011, at approximately 10:00AM MT, I established physical surveillance on the business location for LOCKSMITH A. At approximately 10:07 AM MT, I observed this Individual arrive and go inside the place of business for LOCKSMITH A. At approximately 10:25AM MT, I observed this Individual come out of the place of business for LOCKSMITH A and depart. In a subsequent debrief of this Individual, this Individual told me the following:

- a. The Individual had provided the following VIN to the LOCKSMITH A employee:  
2006 Ford Taurus, VIN: [REDACTED], hereafter referred to as the "TEST VIN."
- b. The Individual observed the LOCKSMITH A employee call a person and provide the VIN over the phone. Approximately five-to-seven minutes later, a person called the LOCKSMITH A employee back and provided the employee with a key code that the employee used to cut a key for the 2006 Ford Taurus. The

LOCKSMITH A employee informed the Individual that the key would only work to get in to the car, but would not start it.

30. On 06/27/2011, we received confirmation from Ford's Global Investigations Department that on 06/24/2011, at approximately 12:22 PM (10:22 PM Mountain Time), USER ACCOUNT A pulled/accessed the TEST VIN for the 2006 Ford Taurus. The TEST VIN was therefore pulled/accessed by USER ACCOUNT A during the relevant time frame that the Individual provided the TEST VIN to the employee at LOCKSMITH A.

31. On 06/30/2011, at approximately 10:30 AM, Special Agents of the FBI and DEA established surveillance of GOMEZ in the area of a body shop located at 1145 Barranca, El Paso, Texas. An agent positively identified GOMEZ, who was driving a black-colored Ford Raptor pick-up truck bearing TX license plate number AU1-3606. At approximately 10:45 AM, Agents initiated a traffic-stop of GOMEZ in the area of Vista De Oro Drive, El Paso, Texas, by activating the lights and sirens of their government vehicles. GOMEZ proceeded to lead the Agents on a high-speed vehicle pursuit in the same area of El Paso. GOMEZ abandoned the Ford Raptor near the body shop at 1145 Barranca and fled the area on foot. Agents were unable to locate GOMEZ.

32. On 06/30/2011, Senior United States District Judge David Briones issued an arrest warrant for GOMEZ.

33. On 06/30/2011, at approximately 5:30 PM, we interviewed CHAVEZ at his residence, [REDACTED], El Paso, Texas. During the interview CHAVEZ informed us that he had met GOMEZ approximately nine months ago and was unaware that GOMEZ was involved in drug trafficking. CHAVEZ also told us that he had no involvement in drug trafficking.

34. On 06/30/2011, at approximately 6:18 PM, we observed CS-1 meet with CHAVEZ in front of CHAVEZ's residence. CS-1 consensually monitored this conversation with a body recorder. During the conversation, CHAVEZ informed CS-1 that the FBI had been following GOMEZ and that is how the FBI had made the connection to CHAVEZ. CHAVEZ informed CS-1 that the FBI had told CHAVEZ that they (FBI) had found drugs in the shop (1145 Barranca); CHAVEZ further informed CS-1 that, "there wasn't a lot, dude."<sup>6</sup> CHAVEZ then explained to CS-1 that he believed that the reason the FBI had come to his house was because PGR wanted information about a murder that occurred in Juarez. Later during the conversation, CS-1 told CHAVEZ that CS-1 had spoken to GOMEZ about the debt that CHAVEZ and GOMEZ owed CS-1. CS-1 told CHAVEZ that CS-1 believed that CHAVEZ had given the money to GOMEZ to pay CS-1 but that GOMEZ kept putting CS-1 off by telling CS-1 that GOMEZ and CHAVEZ "were going to start working (trafficking drugs)." Later in the conversation, with respect to the debt that GOMEZ and CHAVEZ owed CS-1, CHAVEZ said, "I only owe you (CS-1) thirty, fifty parts." Based on information from CS-1, GOMEZ and CHAVEZ refer to pounds of marijuana as "parts." CHAVEZ added, "I paid Carlos (GOMEZ) before Christmas more than half." Later in the conversation, CHAVEZ told CS-1, "I told Carlos (GOMEZ) to give you a trailer. We had a trailer that fell (was seized) with fifty (50 pounds of marijuana) of yours."

35. Later in the 06/30/2011 recorded conversation between CS-1 and CHAVEZ, CHAVEZ informed CS-1, "I have the counts of what is owed (to CS-1) and Carlos (GOMEZ) has them on

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<sup>6</sup> During CHAVEZ's interview at his residence, we did not mention to CHAVEZ what type or quantity of drugs we had found at the shop.

his phone as well." CS-1 later asked CHAVEZ, "How are you going to call Carlos (GOMEZ)."

CHAVEZ replied, "Well, over there (Mexico)."

36. During the 06/30/2011 recorded conversation between CS-1 and CHAVEZ, CHAVEZ and CS-1 had the following conversation with respect to case involving teacher Ana Isela Martinez Amaya: CHAVEZ stated, "we (CHAVEZ and GOMEZ) stopped (trafficking marijuana) because of the teacher (Martinez Amaya), but before then, we (CHAVEZ and GOMEZ) did a few (a few car loads of marijuana)." CS-1 responded, "Carlos (GOMEZ) told me that you had someone in the neighborhood (Martinez Amaya's neighborhood in Juarez)." CHAVEZ responded, "Oh yeah, yeah." CS-1 stated, "What happened there." CHAVEZ responded, "Well, the soldiers."

Based on the foregoing information in this Affidavit, I believe that there is Probable Cause that Jesus CHAVEZ and Carlos GOMEZ, by utilizing keys made by LOCKSMITH A and by victimizing individuals whom they have caused to unwittingly smuggle drugs, have violated Title 21, United States Code, Sections 841 and 846, Possession with Intent to Distribute a controlled substance, namely 100 kilograms or more of marijuana and Conspiracy to possess with the intent to Distribute controlled substance, namely 100 kilograms or more of marijuana.